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## **MACAO SPECIAL ADMINISTRATIVE REGION**

### **Administrative Regulation No. 18/2018**

#### **Statute of Higher Education**

The Chief Executive, after consulting with the Executive Council, decrees pursuant to sub-paragraph 5) of Article 50 of the Basic Law of the Macao Special Administrative Region and to Article 63 of the Law No. 10/2017 (Higher Education Regime), that the following shall have the legal effect of complementary administrative regulation:

#### **CHAPTER I**

##### **General Provisions**

##### **Article 1**

###### **Object**

This complementary administrative regulation establishes the statute of higher education, in which the necessary norms for the execution of Law No. 10/2017 are established in the legal-administrative framework of the relations between the administration and the higher education institutions and of these with the professors and students.

##### **Article 2**

###### **Cooperation among institutions**

1. The higher education institutions of the Macao Special Administrative Region, hereinafter referred to as “the Macao SAR”, may establish among themselves or with other local or non-local institutions, agreements of association or collaboration, especially for the provision of programs conferring degrees and joint plans, encouraging the mobility of students and teaching staff, pursuing common scientific and technological research partnerships and projects or sharing resources and equipment allocated to higher education activities.

2. The cooperation referred to in the preceding paragraph may be carried out at the level of the organizational units of higher education institutions, in accordance with the statutes of the respective higher education institution, for the joint pursuit of their activities or specific subjects that may be carried out autonomously, especially research centres, laboratories and libraries.

3. Without prejudice to the autonomy of higher education institutions, international cooperation shall be compatible with the nature and purpose of the institutions and consider the policies defined for higher education in the Macao SAR.

### **Article 3**

#### **Duty of collaboration and information**

1. The bodies of entities that hold private higher education institutions and the bodies of public and private higher education institutions shall collaborate with the public administration bodies in the exercise of supervision and monitoring functions, as appropriate, providing admission to documentation concerning higher education activities, submitting the documentation and information on their operation and providing the necessary explanations.

2. Higher education institutions shall provide the required information to the Tertiary Education Services Office, hereinafter referred to as “GAES”, about their main activities, in particular on:

1) Student information ;

2) System of registration of diplomas and certificates granted;

3) The mobility of students, criteria for granting equivalence of qualifications, periods of study, subjects and accrediting of credit units, for the purpose of pursuing studies.

3. Higher education institutions must also prepare and send to the GAES the following elements:

1) By October 31 of each year, information on the programs in operation; the list of leadership staff; the teaching staff employed for the current academic year and their academic qualifications; researching staff and non-teaching staff; as well as information about registered and enrolled students and students having graduated in the previous academic year;

2) By December 31 of each year, the annual report on the activities of the previous academic year; the overall institution development plan and respective implementation; with a detailed

description of the activities carried out; a summary of the functioning of the academic year; the state of affairs of the administrative and financial management, in particular the inventory of available funds and a reference to the way in which they were used; the state of the quality evaluation; as well as information on academic research, human resources and the recruitment plan for students and respective indicators;

3) On a date to be set by the GAES, the indication of the number of students enrolled per program and per academic year; the amount of tuition fees charged per program; students' school status, including dropouts, resumption, suspension and other matters related to students;

4) On a date to be set by the GAES, the elements considered necessary for the planning for each new academic year.

4. Any changes in relation to the organizational bodies and the leadership, in particular related to their admission, must be notified by higher education institutions to the GAES within 30 days from the date of their occurrence.

5. For the purposes of paragraphs 2 and 3, the GAES shall process and interconnect personal information in accordance with the provisions of Law No. 8/2005 (Personal Information Protection Act).

6. The specific content of the information referred to in paragraphs 2 and 3 shall follow the instructions of the information collection and annual reporting guide drawn up by the GAES annually.

7. The provisions of the preceding paragraphs shall apply, with due adaptations, to the non-local higher education programs, operated in the Macao SAR, offered by higher education institutions based outside of the Macao SAR.

#### **Article 4**

##### **Supervision and tutelage**

1. Higher education institutions are subject, within the framework of their autonomy and according to their nature, to the supervision and tutelage of the Macao SAR Government.

2. The GAES conducts regular supervision and verification visits to higher education institutions in order to ensure their regular functioning and may be accompanied in these by experts in the relevant fields.

3. The GAES draws up supervision and verification reports, proposing corrective measures or recommendations on irregularities or deficiencies detected.

4. Without prejudice to any other legal measures that can be taken, the reports referred to in the preceding paragraph shall be sent to the tutelage and notified to the higher education institution or to the holder entity, depending on whether it is a public or private higher education institution.

5. The GAES organizes and maintains the following up-to-date information about the higher education institutions of the Macao SAR and their activity:

1) Higher education institutions and their relevant nature;

2) Registration of higher education programs in operation;

3) Evaluation outcomes of the higher education institutions and of its programs;

4) Statistical information, specially on admission quota, applicants, registered students, degrees and diplomas conferred, teaching staff, researchers, non-teaching staff and types of financial support granted to students;

5) Integrated database of higher education graduates;

6) Other relevant information.

6. Higher education institutions should act in accordance with the requisition of the GAES, in particular as regards the supervision and verification of the functioning of higher education programs, the recruitment of students, the admission requirements for higher education and the verification of the academic qualifications of teaching staff, and, where necessary, and whenever the GAES requests, provide additional materials to those mentioned in the preceding paragraphs, to prove the authenticity of the reported information.

7. The provisions of this article shall apply, with due adaptations, to non-local higher education programs held in the Macao SAR by higher education institutions based outside of the Macao SAR.

## **Article 5**

### **Name reservation**

1. Higher education institutions shall have, under the terms of the law, their own name and characteristic that identifies them unequivocally in the two official languages of the Macao SAR, a third language may be used together with these.
2. The name of a higher education institution shall not be confused with that of any other public or private higher education institution, or mislead the nature or level of education of the institution.
3. The terms “university”, “university institute”, “higher institute”, “polytechnic institute” and “high school”, as well as other denominations conveying the idea that programs or higher education activities are held/carried out within or by them shall be reserved for names of higher education institutions.
4. The names referred to in the preceding paragraph, as well as other names that may be interpreted as being higher education institutions or which convey the idea that higher education activities are being carried out by them, cannot be used by other institutions, entities, services or organizations that have not been recognized as a higher education institution under the law.
5. Non-compliance with the provisions of paragraphs 1 to 3 shall be grounds for refusing authorization for the establishment of the higher education institution or its recognition.

## **CHAPTER II**

### **Higher education institutions**

#### **SECTION I**

##### **Public and private institutions**

###### **Article 6**

###### **Composition of the Council**

The Council is composed in such a way as to ensure a higher education institution the representativeness and participation of the different sectors and areas, especially:

- 1) Representatives of the leadership of the institution and of the holder entity;
- 2) Representatives of the institution's teaching staff and researchers;

- 3) Representatives of management and administration bodies, academic and pedagogical bodies;
- 4) Professionals, individuals of recognised standing, prestigious personalities and representatives of associations that pursue purposes in the scope of higher education.

## **Article 7**

### **Composition of the academic and pedagogical body**

1. The academic and pedagogical body of higher education institutions shall be composed in such a way as to ensure the representativeness of the teaching staff and the diversity of academic field and teaching methods, and shall include a minimum of five teaching staff qualified with a doctoral degree or equivalent, of which at least three are full-time teaching staff in the area of their academic training.
2. The statutes of the higher education institution may provide for the possibility of the academic and pedagogical body to also be composed of invited members, among which may be teaching staff and researchers from other institutions or persons of recognised standing in higher education.

## **Article 8**

### **Autonomous organizational units**

Without prejudice to the compulsory bodies provided for in Law No. 10/2017, of the provisions of this administrative regulation and of the organizational model adopted, autonomous organizational units with their own bodies and personnel may be envisaged in the statutes of higher education institutions, especially:

- 1) Teaching or teaching and research units, which can adopt the denomination of schools or faculties;
- 2) Research units, which can adopt the denomination of centres, laboratories or institutes;
- 3) Other units, structures and support departments appropriate to their respective mission and purposes.

## **Article 9**

### **Internal Regulation**

1. The statutes of higher education institutions may provide the existence of internal regulations, code of good practice in pedagogical matters, codes of good governance and management and codes of regulations of organizational units or organizational subunits whose functioning and autonomy must be respected.

2. The internal regulations shall be drawn up, approved and amended by the competent bodies of higher education institutions in accordance with the terms of the respective statutes, with obligatory consultation of the bodies provided for in paragraph 1 of Article 12 of Law No. 10/2017.

## **Article 10**

### **Tuition fees**

1. Higher education institutions may set the amount of tuition and other fees for the attendance of programs or other academic activities not included in the respective study plan of the program and these must be known and properly publicized in all its aspects prior to the students' enrolment.

2. The amount of the tuition fees referred to in the preceding paragraph shall be set by the competent bodies of higher education institutions, in accordance with the statutes.

## **Article 11**

### **Documentation and academic records**

Each higher education institution must have properly identified and authenticated documentation and academic records, especially on the teaching and administrative activities developed, as well as teaching staff records and respective qualifications, and the records of students admitted to the institution, containing the enrolments made, the results of examinations and final results obtained in each subject or curricular unit, qualification equivalences, periods of study and credit units granted, degrees and diplomas awarded and respective final grade.

## **SECTION II**

### **Private Institutions**

## **Article 12**

### **Application for authorization for establishment**

1. The application for authorization to establish a private higher education institution shall be submitted by the holder entity to the GAES at least nine months prior to the scheduled start date of operation of the higher education institution, with request directed to the Chief Executive, and shall be accompanied by the following documents and information:

- 1) Nature of the institution and overall development plan;
- 2) Academic and pedagogical plan of the institution;
- 3) Explanation of the need to establish the institution;
- 4) Name of the institution;
- 5) Statute of the institution;
- 6) The constitutive act of the legal person that intends to establish the institution and its statutes, proving its constitution according to the applicable legislation;
- 7) Documents that prove the financial sustainability of the institution, especially, the financial, accounting and asset management plan and sources of financing;
- 8) Asset guarantee or insurance contracts that guarantee the coverage of the material and financial resources necessary for the operation of the institution, if the GAES considers the documents required in the preceding sub-paragraph to be insufficient;
- 9) Identification of the place and area where the institution is intended to be headquartered, site plan or project of the buildings and complementary documents;
- 10) Documents describing the facilities and material resources appropriate to the programs and degrees they intend to teach, especially, lecture spaces, technical and laboratory equipment, libraries, general facilities and student support services;
- 11) Demonstration of compliance with the requirements of the higher education quality evaluation system;
- 12) Information on the programs intended to be established and, on the degrees, diplomas and certificates to be conferred;
- 13) Planning of the institution's human resources at the level of management and teaching;
- 14) Financial, accounting and asset management regimes of the institution;

15) Other information that the GAES deems appropriate for the submission of the request.

2. The decision on the authorization application to establish a private higher education institution shall be given within six months after the complete application has been submitted to the GAES.

3. The authorization application shall be dismissed without further consideration if it is not properly submitted or if, within three months from the date of its receipt by the GAES, the applicant does not submit the documents, information or explanations requested.

### **Article 13**

#### **Recognition application**

1. The application for recognition of the private higher education institution shall be submitted by the holder entity to the GAES addressed to the Chief Executive, and shall be submitted with concrete information on the state of implementation of the overall development plan of the institution presented with the application for authorization to establish that institution and its respective proof.

2. If the application for recognition is not made simultaneously with the application for authorization for establishment of the higher education institution and more than six months have elapsed from the date of that request, the holder entity must submit the up-to-date documents and information indicated by the GAES from among those referred to in paragraph 1 of the preceding article.

3. In the process, the GAES may request the opinion of experts of recognised standing, of academics and of public or private entities, in order to prepare for the Chief Executive's decision.

4. The decision on the application for recognition shall apply, with due adaptations, to the period provided for in paragraph 2 of the preceding article.

5. The authorization application shall be dismissed without further consideration if it is not properly submitted or if, within three months from the date of its receipt by the GAES, the applicant does not submit the documents, information or explanations requested

6. The holder entity may also submit, together with the application for authorization to establish the private higher education institution and its respective recognition, authorization applications for the establishment and commencement of the first programs to be offered,

which shall contain the materials required for the launch of programs provided for in higher education legislation.

## **Article 14**

### **Application for the approval of statutes**

1. The application for approval of the statutes of private higher education institutions and their amendments should be submitted to the GAES addressed to the Chief Executive.
2. The application referred to in the preceding paragraph shall be accompanied by the statutes or amendments in the two official languages of the Macao SAR and, in the case of amendments to the statutes, with a consolidated version and a comparative bilingual map.
3. The GAES shall investigate the proceeding for approval of the statutes, issuing detailed information to be submitted to the Chief Executive.
4. The GAES may request the provision of additional information or the presentation of documents, specially the proof of the approval deliberations and opinions of the competent bodies and other elements deemed necessary.

## **Article 15**

### **Transfer, merger and division**

1. The transfer, merger and division of private higher education institutions shall be communicated to the GAES through an application addressed to the Chief Executive.
2. To the processes referred to in the preceding paragraph shall apply, with due adaptations, the rules set forth in this administrative regulation and other higher education legislation in what regards the authorization for the establishment, recognition and closure of higher education institutions.
3. The GAES verifies the maintenance of the assumptions for the recognition of the higher education institution and, in the case of transfer, the fulfilment of the requirements applicable to the new holder entity.
4. In any of the operations, it shall be demonstrated that the rights of students are safeguarded and be ensured that the important documentation of the higher education institution is preserved and safekept.

## **Article 16**

### **Operation License**

1. After the publication of the executive order of recognition of the higher education institution and through the respective application for registration presented by the institution, the GAES proceeds to the registration and issuing of operation license.
2. The model of the license referred to in the preceding paragraph is approved by order of the Chief Executive, to be published in the Official Gazette of the Macao Special Administrative Region, hereinafter referred to as the Official Gazette.
3. For private higher education institutions existing at the effective date of this administrative regulation, a procedure for verifying compliance with higher education legislation for the purpose of issuing the license is officially promoted by the GAES.
4. Any modifications to the conditions that determined the issuing of the license, especially, the lack of any of the set conditions underlying its issuing, imply the revocation of the license.
5. The extinction or dissolution of the holder entity or the closure of the higher education institution implies the invalidation of the license, except in case of valid transfer of the institution to another holder entity.
6. The transfer, merger or division of the higher education institution entails maintenance check of condition for issuing license and the issuing of new license.
7. Whenever there are modifications regarding the name of the holder entity or higher education institution, as well as any of the elements contained in the license granted to the institution, the holder entity should request the GAES to register the facts subject to registration and issue a new license.
8. The GAES promotes modifications to the registration, by endorsement to the initial registration, of the facts resulting from the situations referred to in this article.

## **CHAPTER III**

### **Teaching staff and students**

## **Article 17**

### **Composition of the teaching staff**

1. The teaching staff of higher education institutions is composed of:

1) Teaching staff qualified to teach in higher education, under the terms of the legislation of higher education;

2) A minimum of five teaching staff, three of which are full-time, qualified with a doctoral degree or equivalent for each program;

2. In exceptional cases, especially where there is a limited number or diversity of programs and the level of the degrees conferred by the higher education institution so justifies, a reduction of the requirement laid down in sub-paragraph 2) of the preceding paragraph can be authorized for a fixed period through decision and order of the Secretary responsible for higher education.

## **Article 18**

### **Authorization to teach**

1. The application for authorization to teach in higher education, by those referred to in paragraph 3 of Article 24 of Law No. 10/2017, shall be submitted to the GAES by the higher education institution and shall be accompanied by the following elements:

1) A proposal, duly substantiated, of the academic and pedagogical body of the institution on the recognition as being qualified for teaching;

2) Documents proving professional experience or titles of other professional qualifications that recommend them for teaching;

3) Explanations on the functional content to be developed, especially the program and the specialization to be taught as well as other related research work;

4) Teaching staff's curriculum vitae;

5) Other documents or grounds supplementing the decision of recruitment.

2. The higher education institution must submit the application described in the preceding paragraph up to 90 days before the beginning of the academic year or the scheduled start date of functions if this occurs during the academic year.

## **Article 19**

### **Admission of excellent students to higher education**

For the purposes of confirming admission to higher education programs for students who are in the situation provided for in paragraph 6 of article 25 of Law No. 10/2017, the higher education institution that the student intends to attend submits to the GAES the following elements:

- 1) Letter of recommendation from the secondary school that the student attends;
- 2) Declaration of consent of the parents or legal guardian;
- 3) Authorization of the academic and pedagogical body of the institution;
- 4) Student assessment report made by the institution;
- 5) Complementary measures of the institution to ensure the integration and adaptation of student learning in the post-admission period.

## **Article 20**

### **Prescription of the programs taught in academic year**

1. The prescription of the right to registration and enrolment in the program taught in academic year is based on the result of adding the normal duration of a program with the extension period allowed for its attendance, the student being, after the expiry of the prescription, prevented from enrolling to the same program for a minimum period set in the respective regulation, after which they may enrol again, provided that the requirements and conditions of admission to the respective program at the time of re-enrolment are met.
2. The higher education prescription system provided for in the preceding paragraph is not applicable to students of the master's and doctoral programs and in cases where it is applicable, it shall be set in the respective regulations of the higher education institution.
3. The higher education prescription system is set by the higher education institution, in accordance with its statutes and internal regulations, considering the normal extension period of the program and the level of requirement of the scientific area, with the following limits:
  - 1) For students attending full-time programs, the extension period of the program must correspond to a value set between 50% and 75% of the normal extension period of the program;
  - 2) The extension period of the program must correspond to a value set between 100% and 150% of the normal program duration for students who are in one of the following situations:
    - (1) Part-time student;

(2) Student with temporary or permanent physical or sensory disability;

(3) Student on maternity situation or having a serious illness that requires long-term recovery, transmissible or infectious-contagious illness certified by the competent health department or by a hospital as impeditive to continuing the studies.

## **CHAPTER IV**

### **Programs**

#### **SECTION I**

#### **Establishment and modification of programs**

##### **Article 21**

##### **Processing of applications**

1. The application for the establishment or modification of higher education programs carried out in accordance with Article 14 of Law No. 10/2017 is presented to the GAES in an application addressed to the Secretary responsible for higher education, with the following elements:

- 1) Name of the higher education institution;
- 2) Name of the program to be offered, and of the degree, diploma or certificate it confers;
- 3) Organizational unit of the higher education institution that offering the program, if applicable;
- 4) Academic and pedagogical organization and the study plan of the program;
- 5) Program rules and regulations which must include at least its duration, teaching method, teaching scheme, teaching language, prescription system and conditions of admission, registration, enrolment, attendance and evaluation;
- 6) Program, program load or credits, and prerequisites of the subjects or curricular units, possible precedence regime and evaluation criteria;
- 7) Information concerning teaching staff of the programs and their respective curriculum vitae;

- 8) Ratio between the teaching staff of the programs and students;
  - 9) Indication of the category and maximum number of student's admission per academic year;
  - 10) Pedagogical and technical equipment to be assigned to the program;
  - 11) Public inquiry report on the demand or academic feasibility of the program to be established;
  - 12) Financial plan;
  - 13) Documents proving compliance with the requirements established in the higher education quality evaluation system;
  - 14) Documents related to the compliance with the statutes of the higher education institution regarding the approval of the procedures for establishing and modifying program;
  - 15) Comparative document of the program characterization before and after the modification, as well as the transitional measures for the students who are attending the initial program in case it is an application to modify the program;
  - 16) Other information that the GAES deems appropriate for the submission of the request.
2. The application referred to in the preceding paragraph shall be submitted to the GAES at least six months prior to the scheduled start date of operation of the programs.
  3. The GAES may request the opinion of experts of recognised standing, of academics and of public or private entities, in the subject area of each proposed program.
  4. In case of doubt, the GAES may request the applicant to provide explanations, to submit additional information or to provide supporting documents relating to the elements referred to in paragraph 1.
  5. A request deficiently submitted shall be dismissed without further consideration when the applicant has been notified of its deficiencies, and these have not been mitigated or the documents or explanations requested are not submitted within 30 days after receipt of the notice.
  6. The decision on the establishment and modification of higher education programs shall be given within six months after the complete application has been submitted to the GAES.

7. In the cases of establishment and modification of joint programs, the higher education institutions of the Macao SAR that confer the degree, diploma or certificate jointly submit a single application, except when one of the Macao SAR institutions offering joint programs has the right or has obtained the status to self-regulate and offer new programs, in which case, only the registration of the programs shall be proceeded.

## **SECTION II**

### **Registration of programs**

#### **Article 22**

##### **Registration application**

1. The application for registering the programs is made through a request addressed to GAES with the following information:

- 1) Name of the higher education institution offering the program;
- 2) Name of the organizational unit in which the program is carried out;
- 3) General description of the program, mentioning the program name, the degree and diploma or certificate it confers;
- 4) Extension period of the program;
- 5) Total number of credits, if applicable;
- 6) Indication of publication of the approval or program modification in the Official Gazette, if applicable;
- 7) Description of the modifications and their respective grounds, if applicable;
- 8) Curricular structure, especially the study plan, the options and fields of knowledge, or other forms of organization in which the program is structured, the area of specialization or scientific area, the central component of the program and the integrated or additional curricula that make up the program, if applicable;
- 9) Documents proving compliance with the statutory rules for the approval and modification of programs;

10) Documents proving compliance with the requirements of the higher education quality evaluation system, if applicable.

2. Prior to the registration of programs, the GAES verifies compliance with the legal and statutory requirements necessary for the establishment and modification of programs, as well as the possible right or status to self-regulate and offer new programs.

3. The highest responsible of the GAES shall issue a decision on the application for registration within three months after the submission of the complete application.

4. In case of rejection of the application for registration, the applicant shall be informed of the reasons behind it and be asked to remedy the existing deficiencies or complete the application if it has not been properly submitted.

### **Article 23**

#### **Registration notice**

The registrations are publicized in the Official Gazette, through a notice containing:

- 1) The name of the program and the degree, diploma or certificate it confers;
- 2) The registration number assigned by the GAES and the date of its respective approval;
- 3) The statement of the publication which includes the program description, if applicable;
- 4) An annex with the academic and pedagogical organization and study plan of the program, if applicable.

### **SECTION III**

#### **Non-local higher education program**

### **Article 24**

#### **Acknowledgement of the interest for the Macao SAR and authorization for the commencement of the operation of programs**

1. The application for the acknowledgement of non-local higher education programs held in the Macao SAR by higher education institutions based outside of the Macao SAR in cooperation with local entities shall be accompanied by the following information:

- 1) Updated statutes of the requesting higher education institution;
  - 2) Public deed of constitution and updated statutes or social pact of the entity headquartered in the Macao SAR with which the requesting institution intends to collaborate;
  - 3) Supporting document, issued by the competent authority of the applicant's country or territory of origin, that the requesting institution is officially recognized as a higher education institution;
  - 4) Indication of the program or programs that the requesting institution intends to offer and of the corresponding degrees, diplomas or certificates that it confers;
  - 5) Supporting document, issued by the competent authority of the applicant's country or territory of origin, proving that the program to be offered is officially recognized and is valid for the purpose of equivalence of academic qualifications;
  - 6) Economic and financial plan that guarantees the coverage of the expenses inherent to the operation for a period corresponding to the number of years of the program, plus two years;
  - 7) Identification of the facilities and equipment of the local collaborating entities to be assigned to the provision of the program;
  - 8) Benefits of the program for the Macao SAR and study report on the respective demand.
2. The authorization application for the commencement of the programs is accompanied by the application referred to in the preceding paragraph and must be accompanied by the following elements:
- 1) Name of the program and academic degree to be conferred;
  - 2) Detailed description of the study plan and program summary of the curricular units or subjects of the program to be taught, prerequisites of the subjects and their duration, teaching method, teaching scheme, duration of the program, teaching language, study load and evaluation methods, as well as the registration and enrolment scheme, and study plan of the program taught at the place of origin of the higher education institution based outside of the Macao SAR;
  - 3) Maximum number of student's intake annually to the program and conditions of admission;

4) Indication of the governing bodies of the institution and of the educational and scientific heads, as well as of the teaching staff responsible for teaching the program, their respective curricula and the commitment of acceptance;

5) Recognition of the facilities, indicating their location in the Macao SAR, as well as the pedagogical and technical equipment to be allocated to each program;

6) Comparative document of the program characterization before and after the modifications, as well as the transitional measures for the students who are attending the initial program in case it is a request for modifying the program;

7) Other information deemed appropriate for the purpose of examining the particular application.

3. The applications referred to in the preceding paragraph shall be submitted to the GAES at least 90 days prior to the scheduled start date of operation of the program.

4. In case of doubt about the content of the applications, the GAES may request documents, explanations or additional information considered necessary for the compilation of the request.

5. In the context of the compilation of application, the GAES may request the opinion of experts of recognised standing, of scholars and of public or private entities in the subject area of each proposed program.

6. The decision shall be given within six months after the submission of the respective complete application.

## **Article 25**

### **Attainment of the degree, diploma and certificates**

1. The academic degree and the diploma or certificate of the program are conferred by the higher education institution based outside of the Macao SAR.

2. The attainment of the diploma by completion of the program does not exclude the need for its confirmation, in the terms of the current legislation on the verification of qualifications.

## **Article 26**

### **List of non-local higher education programs**

The GAES publishes annually a list of non-local higher education programs and the facilities where these are offered, updating it with reference to the new order of authorizations, modifications and expiry situations.

## **Article 27**

### **Annual Report**

Higher education institutions based outside of the Macao SAR that offer non-local higher education programs in the Macao SAR must present the following to the GAES in January each year:

- 1) The annual report of non-local higher education programs of the previous year;
- 2) The recruitment plan of students of the following academic year with information on the programs and the students' admission quota, when applicable;
- 3) The list of teaching staff recruited in the previous year, the commencement date of the program and information on the number of students authorized to be recruited, the number of students registered and enrolled in each program, the number of students who have dropped out or have suspended their studies, as well as the list of graduates;
- 4) The timetable of the classes and the information regarding the program in operation in the respective academic year.

## **SECTION IV**

### **Suspension and cancellation of programs**

#### **Article 28**

##### **Procedure for suspension and cancellation**

1. The intention to suspend or cancel higher education programs is subject to the approval of the Secretary who supervises the higher education area, upon application submitted by the higher education institution to the GAES containing the following elements:

- 1) Name of the program and academic degree;
- 2) Period for admission of students to the program, period in which students are not admitted, estimated date for the end or suspension of the operation of the program;

- 3) Number of students enrolled in the program and the transitional measures to be applied to students who are attending the program;
  - 4) Information on teaching staff and transitional measures to be applied;
  - 5) Documents related to the compliance with the statutes of the higher education institution on the approval of the procedures for establishment and modification of programs;
  - 6) Other information considered appropriate to the respective application.
2. To the procedure for the suspension and cancellation of programs, shall apply, with due adaptations, the rules on the establishment, modification and registration of programs.

## **CHAPTER V**

### **Rules for conferring master's and doctoral degrees**

#### **SECTION I**

##### **Program provision**

###### **Article 29**

###### **Provision of master's and doctoral programs**

The provision of master's and doctoral programs in the Macao SAR is governed by the provisions of the higher education legislation, by this administrative regulation and by the regulations of the respective programs approved by higher education institutions.

#### **SECTION II**

##### **Master's degree**

###### **Article 30**

###### **Regulations of master's degree**

1. Higher education institution must establish regulations for each master's degree program.
2. Each regulation shall contain at least the following matters:
  - 1) Conditions of registration and enrolment in the program;

- 2) Procedure of setting the quota;
- 3) Programs allowing admission to the master's degree program;
- 4) Periods for applications;
- 5) Criteria for the selection of applicants;
- 6) Operation conditions of the master's program, especially, its schedule and the higher education institution where the defense of the thesis is held;
- 7) Curricular structure and study plan of the master's program;
- 8) Process of appointment of the supervisor and the terms to observe during supervision;
- 9) Periods and rules on the presentation, reformulation and submission of the thesis project or internship report and on the possible withdrawal of the applicant;
- 10) Periods and rules for the constitution and functioning of the jury, in addition to those contained in this administrative regulation;
- 11) Setting and disclosure of tuition fees for the registration and enrolment in the master's degree program, or respective curricular units, when required;
- 12) Conditions for the execution, presentation and classification of the project or internship report and of the internship performance, when applicable;
- 13) Prescription system and limits of enrolment in the curricular part of the master's degree program, when these exist.

## **Article 31**

### **Suspension of calculating the period**

Without prejudice to the cases provided for in the law or in the regulations of master's degrees, the period for submission and defense of the thesis, project report or internship may be suspended by decision of the rector or president, after hearing the competent statutory body, in the following cases:

- 1) Maternity;

- 2) Serious illness that requires long-term recovery, transmissible or infectious-contagious illness certified by the competent health department or by a hospital as impeditive to continuing the studies or a serious accident when the situation occurs during the period for the submission and defense of the thesis ;
- 3) Effective performance of public functions that, due to its nature and relevance, recommends the suspension of period enforcement;
- 4) Teaching or doing research outside the Macao SAR, on a duly authorised official mission or for a limited period of time.

## **Article 32**

### **Jury**

1. The jury for evaluation of the thesis is appointed by the rector or president, upon proposal of the academic and pedagogical body.
2. The jury shall consist of:
  - 1) Two professors of the specific academic field area of the master's degree, one belonging to the institution and the other, if possible, to another higher education institution; and
  - 2) The supervisor of the thesis.
3. The jury may include, besides the elements referred to in the preceding paragraph, other teaching staff, according to the provisions of the master's degree regulations.
4. The order of appointment of the jury must be communicated, in written format to the applicant and posted in a public location of the institution indicated in the master's degree program regulation.
5. The master's degree program regulations determine which members of the jury will take over the presidency, as well as the procedure to be followed in case the president is prevented from attending.

## **Article 33**

### **Procedures for thesis submission**

1. After the publication of the order of appointment of the jury, it shall issue a preliminary order in which it declares the acceptance of the thesis or, alternatively, recommends, with reasons, that the applicant reformulates it.
2. Once the situation referred to in the last part of the preceding paragraph has been verified, the applicant has a period to reformulate the thesis, or declare the intention to keep it as submitted.
3. The applicant shall be deemed to have withdrawn if, after the expiry of the period for reformulation referred to in the preceding paragraph, they do not deliver the reformulated thesis or declare they will reject that option.

### **Article 34**

#### **Thesis defense**

1. The thesis defense can only take place with the presence of at least three members of the jury, one of which must be the respective supervisor.
2. In the defense of the thesis, all the members of the jury may intervene.
3. In the defense of the thesis, the applicant shall be provided identical time to that used by the members of the jury.

### **Article 35**

#### **Deliberation of the jury**

1. Once the defense referred to in the preceding article has been concluded, the jury shall meet for the evaluation of the defense and for deliberation on the final grade of the applicant by means of a reasoned roll-call vote in which no abstentions shall be allowed.
2. Decisions shall be taken by a majority vote of the members present, and the jury member presiding shall, in case of a draw, cast a deciding vote.
3. The final grade is expressed in a 'Rejected' or 'Approved' basis.
4. The regulations of each master's degree may include, in relation to applicants approved, other classifications.
5. The thesis defense and the meetings of the jury shall be recorded, and shall contain the votes of each of its members and their respective reasons.

## **SECTION III**

### **Doctoral degree**

#### **Article 36**

##### **Field of knowledge of conferring the doctoral degrees**

The fields of knowledge in which the higher education institutions confer the doctoral degrees are proposed by the competent statutory body and approved by the order of the Secretary who supervises the area of higher education, to be published in the Official Gazette.

#### **Article 37**

##### **Regulations of doctoral degree**

1. Regulations of doctoral degree are drawn up by the higher education institution which defines at least the following subjects:

- 1) The process of admission and other terms related to the doctoral examinations;
- 2) Conditions for the preparation of doctoral examinations;
- 3) Existence of complementary examinations, their nature and conditions of exemption;
- 4) Process of appointment of the supervisor and the terms to observe during supervision;
- 5) The periods and rules for the constitution and functioning of the jury, in addition to those contained in this administrative regulation;
- 6) Duration of doctoral examinations;
- 7) Registration process of topics and dissertation plans.

2. The holders of the master's degree conferred by the higher education institution itself may be exempted from all examinations other than the public defense of the dissertation.

#### **Article 38**

##### **Suspension of calculating the period**

Without prejudice to the cases provided for in the law or in the doctoral program regulations, the period for submission and defense of the dissertation may be suspended by decision of the rector or president, after hearing the competent statutory body, in the following cases:

- 1) Maternity;
- 2) Serious illness that requires long-term recovery, transmissible or infectious-contagious illness certified by the competent health department or by a hospital as impeditive to continuing the studies or a serious accident when the situation occurs during the period for the submission and defense of the dissertation ;
- 3) Effective exercise of public functions that, due to its nature and relevance, recommends the suspension of the period;
- 4) Teaching or doing research outside the Macao SAR, on duly authorised official mission or for limited period of time.

### **Article 39**

#### **Applications**

1. Applications for doctoral degree programs are formalized through a request submitted to the competent body of the higher education institution.
2. The application requirements and their acceptance, as well as the periods and other requirements are contained in the doctoral degree program regulations.

### **Article 40**

#### **Topic registration and dissertation plan**

1. Applicants must register the topic of the doctoral dissertation and the respective plan in accordance with the doctoral degree program regulations.
2. The registration shall lapse when the dissertation is not submitted within five years.

### **Article 41**

#### **Report**

The supervisor regularly informs the academic and pedagogical body, through a semi-annual report, on the progress of the applicant's work.

## **Article 42**

### **Jury**

1. The jury shall be appointed by the rector or president in the terms and periods provided for in the doctoral program regulations.
2. The jury shall consist of:
  - 1) The rector or president, who presides over it, being able to delegate this competence to the vice-rector or vice-president, or to a professor or to teaching staff of equivalent or higher rank of the higher education institution, that professor must have been supervisor to at least three students who have completed their doctoral degree;
  - 2) At least three professors or researchers with doctoral degree one of whom is from another higher education institution;
  - 3) The dissertation supervisor.
3. A specialist of recognized competence in the academic area of the dissertation may also be a member of the jury.
4. The jury must be composed of at least three professors or researchers from the field of knowledge to which the thesis belongs.
5. The order of appointment of the jury must be communicated in written format to the applicant and posted in a public location at the institution indicated in the doctoral degree program regulation.

## **Article 43**

### **Procedures for dissertation submission**

1. Within 60 days of the announcement of its appointment, the jury shall issue a preliminary order in which it declares the acceptance of the dissertation or, alternatively, recommends, with reasons, that the applicant reformulates it.

2. Once the situation referred to in the last part of the preceding paragraph has been verified, the applicant has a non-extendable period of 120 days to reformulate the dissertation, or declare the intention to keep it as delivered.

3. The applicant shall be deemed to have withdrawn if, after the expiry of the period for reformulation referred to in the preceding paragraph, they do not deliver the reformulated dissertation or declare that they will reject this option.

4. The public dissertation defence examinations must take place within a maximum period of 60 days, dated from:

1) The order of acceptance of the dissertation;

2) The date of delivery of the reformulated dissertation or from the declaration that the reformulation is rejected.

#### **Article 44**

##### **Dissertation defense**

1. The public dissertation defense can only take place with the presence of the president and of a majority of the other members of the jury.

2. In the defense of the dissertation, all the members of the jury may intervene.

3. In the defense of the dissertation, the applicant shall be provided identical time to that used by the members of the jury.

#### **Article 45**

##### **Deliberation of the jury**

1. Once the defense referred to in the preceding article has been concluded, the jury shall meet for the evaluation of the defense and for deliberation on the final grade of the applicant by means of a reasoned roll-call vote in which no abstentions shall be allowed.

2. Decisions shall be taken by a majority vote of the members present, and the jury member presiding shall, in case of a draw, cast a deciding vote.

3. The final grade is expressed in a 'Rejected' or 'Approved' basis.

4. The regulations of each doctoral degree may include, in relation applicants approved, other classifications.

5. The dissertation defense and of the meetings of the jury shall be recorded, and shall contain the votes of each of its members and their respective reasons.

#### **Article 46**

#### **Honorary doctoral degrees**

The regime for conferring honorary doctoral degrees shall be included in the regulation to be drawn up by the higher education institution.

### **CHAPTER VI**

#### **Titulation**

#### **Article 47**

#### **Titulation of the bachelor's, master's and doctoral degrees**

1. The completion of programs conferring the bachelor's degree, the master's degree and the doctoral degree are titulated respectively, through diplomas or program letters, magisterial letters and doctoral qualification issued by the legal and statutory competent body of the higher education institution, and may be named indiscriminately as diplomas.

2. Higher education institutions may issue declarations, certificates and supporting statements proving the titulation of the degrees and programs.

#### **Article 48**

#### **Titulation of non-degree programs and programs**

The completion of non-degree programs and curricula is titulated, in particular, through diplomas, declarations, certificates or other qualification documents issued by the competent legal and statutory body of the higher education institution, conferring to those who have been approved in all disciplines and curricular units that integrate the study plan of the respective program and study plan

#### **Article 49**

## **Conferring of joint degrees and diplomas**

1. The completion of the programs referred to in Articles 47 and 48, when provided in joint program and the associated higher education institutions are equally competent to confer the degree or diploma in the area concerned, is titulated through the corresponding documents, in the following terms:

1) Only by one of the institutions;

2) By all institutions, separately, in which case the degree or diploma is titulated through a document issued by each of the institutions;

3) By all or some of the institutions together, in which case the degree or diploma is titulated through a single document issued by the legal and statutory bodies of the respective institutions.

2. In the cases provided in sub-paragraphs 1) and 3) of the preceding paragraph, the degree or diploma is mandatorily allocated by one of the higher education institutions of the Macao SAR.

## **Article 50**

### **Equivalence of programs and periods of study**

1. For the purpose of pursuing further studies, higher education institutions may grant equivalence to programs, periods of study, subjects or curricular units of the study plan of higher education programs.

2. The granting of equivalence referred to in the preceding paragraph is within the exclusive competence of the academic and pedagogical body of the higher education institution, in accordance with the respective regulations, and it can never be equivalent to a degree, diploma or certificate of higher education program offered in the Macao SAR.

## **CHAPTER VII**

### **Transitional and final provisions**

## **Article 51**

### **Temporal application**

1. The statutes of higher education institutions that do not comply with the provisions of this administrative regulation and other higher education legislation shall be adapted within one year after the effective date of this administrative regulation.

2. Higher education institutions that are in a position to confer master's and doctoral degrees under this administrative regulation and other higher education legislation and do not provide it in their statutes may offer programs conferring the mentioned degrees during the period indicated in the preceding paragraph for the adaptation of its statutes.

3. The programs conferring the master's and doctoral degrees that are being offered by the higher education institutions of the Macao SAR on the effective date of this administrative regulations shall:

1) Be governed by the previous legislation until the end of the programs which commenced in the academic year 2017/2018; and

2) Adapt to the provisions of this administrative regulation and other higher education legislation up to the date of their respective completion under the terms of the preceding paragraph.

## **Article 52**

### **Revocation**

The following are revoked without prejudice to the provisions of the preceding Article:

1) Decree-Law No. 13/89/M, of 27 February;

2) Decree-Law No. 82/89/M, of 11 December;

3) Decree-Law No. 15/94/M, of 28 February amended by Administrative Regulation No. 7/2018;

4) Decree-Law No. 17/96/M, of 1 April, amended by Decree-Law No. 95/99/M, of 29 November;

5) Decree-Law No. 13/97/M, of 14 April;

6) Executive Order No. 37/2000.

## **Article 53**

**Entry into force**

This administrative regulation shall enter into force on 8 August, 2018.

Approved on 27 July, 2018.

Hereby published.

The Chief Executive, *Chui Sai On*.